In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.971 of 2007.

Date of decision:19.7.2007.

Kulwant Singh.

...Petitioner

Versus

State of Punjab and others.

...Respondents.

...

Coram Hon'ble Mr. Justice K. S. Garewal.

Hon'ble Mr.Justice S. N. Aggarwal.

...

Present: Mr. Manish Prabhakar Advocate for the petitioner.

Mr. Yatinder Sharma, DAG Punjab.

...

Judgment.

Kulwant Singh petitioner was Chowkidar of his village Manawa, Tehsil Patti. A complaint was filed against him by Khazan Singh Lamberdar, Jaswant Singh Sarpanch, Balkar Singh and Mela Singh ex-Sarpanch, all residents of village Manawa about the conduct of the petitioner. On its basis, the Deputy Commissioner, Amritsar suspended the petitioner vide order dated 20.10.2003 which was implemented by the Sub Divisional Magistrate, Patti. The petitioner filed an appeal before the Commissioner, Jalandhar Division, Jalandhar. It was dismissed by him vide impugned order dated 2.5.2005. In the meantime, Jaswant Singh Sarpanch and Balwinder Singh Lamberdar sent a letter to the Block Development &

Panchayat Officer withdrawing the complaint filed by them against Kulwant Singh petitioner but the suspension was not restored.

Hence, the present petition.

It was submitted by the learned counsel for the petitioner that the allegations made in the complaint, Annexure P-1 were false and the case registered against the petitioner related only to the proceedings under Section 107/151 Cr.P.C. There was no evidence regarding the allegations made in the complaint and the order of suspension passed against the petitioner by the Deputy Commissioner, Amritsar was based on the complaint filed by Jaswant Singh and others. Said Jaswant Singh has withdrawn the complaint vide his letter addressed to the Block Development & Panchayat Officer, Valtoha (Annexure P-3). It was specifically alleged in the letter, Annexure P-3, that the allegations are made against the petitioner due to personal enmity.

In view of the facts stated above, this writ petition is accepted and the impugned orders by the Deputy Commissioner, Amritsar and by the Commissioner, Jalandhar are set aside. The Deputy Commissioner, Amritsar is at liberty to re-consider the complaint filed against the petitioner in the light of the letter of Jaswant Singh sent by him to the Block Development & Panchayat Offer withdrawing the allegations made against the petitioner.

(S. N. Aggarwal)
Judge

July 20,2007.
Jaggi

(K. S Garewal)
Judge